

REMARKS/ARGUMENTS

Initially, the applicants would like to thank the examiner for the recognition of allowable subject matter in claim 25 and the allowance of claim 27. The examiner will note that claim 25 has been amended to be in independent form and thus is now in condition for allowance.

With respect to the remaining claims, by this amendment, claims 1, 13, and 19 are amended for clarity in light of the examiner's remarks and claims 10-12 and 26 are canceled. Claims 10-12 and 26 are canceled as a result of a telephone interview conducted on November 23, 2005, in which the examiner maintained his objection to the amended drawings presented in the response filed on July 7, 2005. Support for the amendments to claims 1, 13, and 19 may be found in the specification and claims as originally filed. Specifically, the relative orientation of the first and second surfaces of the flexible substrate and the first and second plies is disclosed in Figs. 7 and 8 as originally filed. Claim 25 is amended to be in independent form including all of the limitations of the claims from which claim 25 previously depended. The applicants respectfully request withdrawal of the objection to claim 25. No new matter is added and claims 1-9, 13-25 and 27 remain pending with claims 1-9, and 13-25 at issue.

35 U.S.C. § 102 Rejections

The applicants respectfully traverse the rejection of claims 1, 5, 8 and 9 as allegedly anticipated by U.S. Patent No. 3,870,223 to Wyant ("Wyant"). Each of claims 1, 5, 8 and 9 recites, *inter alia*, a flexible substrate having a first and second surface, a file pocket having a first ply foldably connected to a second ply, a first tab formed integrally to the first ply and adapted to fixedly engage the file pocket to the second surface and a second tab formed integrally to the second ply and adapted to expandably engage the file pocket to the second surface, wherein the first surface is disposed between the second surface and the first ply and wherein the first ply is disposed between the first surface and the second ply. None of the cited art discloses a flexible substrate having first and second surfaces, a file pocket having a first ply foldably connected to a second ply, a first tab formed integrally to the first ply and adapted to fixedly engage the file pocket to the second surface, a second tab formed integrally to the second ply and adapted to expandably engage the file pocket to the second surface,

wherein the first surface is disposed between the second surface and the first ply and wherein the first ply is disposed between the first surface and the second ply.

Wyant discloses a pocket portfolio having two external file pockets. The external file pockets 12, 13 (identified by the examiner as plies) are disposed on opposite outside surfaces of the pocket portfolio (*See* FIG. 6). Thus, the first pocket 12 is not disposed between the second pocket 13 and the first surface. On the contrary, the first surface is disposed between the first ply and the second ply. Thus, Wyant fails to disclose a first surface disposed between a second surface and a first ply and wherein the first ply is disposed between the first surface and the second ply, as is recited in each of claims 1, 5, 8 and 9. Accordingly, the applicants respectfully request withdrawal of the rejection of claims 1, 5, 8 and 9.

35 U.S.C. § 103 Rejections

The applicants respectfully traverse the rejection of claims 2-4, 6, 7, and 13-24 as allegedly being obvious over any combination of Wyant and U.S. Patent No. 6,349,491 to Able ("Able"). "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." As noted above, Wyant fails to disclose a first surface disposed between a second surface and a first ply and wherein the first ply is disposed between the first surface and the second ply.

Able fails to correct the deficiency of Wyant by failing to disclose or suggest a first surface disposed between a second surface and a first ply and wherein the first ply is disposed between the first surface and the second ply. Specifically, while Able discloses a card display including a base 12 and a plurality of sections 14, the sections are joined to the base 12 via welds 38, 44, 46, 48 (col. 6, lines 33-40, see also Fig. 1) at a front surface of the base 12. If this front surface is determined to be the second surface (each of claims 1-27 recite the first and second plies being attached to the second surface), then the back of the base 12 must be the first surface. Thus, the first surface is not and cannot be disposed between the second surface and a first ply. Because neither Wyant nor Able disclose or suggest a first surface disposed between a second surface and a first ply and wherein the first ply is disposed between the first surface and the second ply as is recited in each of claims 2-4, 6, 7, and 13-24, none of claims 2-4, 6, 7, and 13-24, can be rendered obvious by any combination of Wyant and Able. Accordingly, the applicants respectfully request withdrawal of the rejection of claims 2-4, 6, 7, and 13-24.

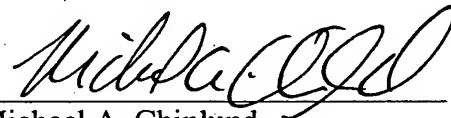
The applicants respectfully traverse the rejection of claims 10-12 and 26 as moot in view of the cancellation of claims 10-12 and 26. Thus, the applicants respectfully request withdrawal of the rejection of claims 10-12 and 26.

Conclusion

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims and allowance thereof is respectfully requested. Should the examiner wish to discuss the foregoing, or any matter of form, in an effort to advance this application towards, allowance, the examiner is urged to telephone the undersigned at the indicated number. Debit Deposit Account No. 13-2855 in the amount of \$200.00 for one additional independent claim. If any additional fees or refunds are required, the Commissioner is directed to charge or credit Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP. A copy of this paper is enclosed herewith.

Respectfully submitted,

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By: 

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